

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

**ORDER**

-against-

06 CR. 1054 (RMB)

JAVED IQBAL,

Defendant.

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With respect to Defendant Iqbal's application to switch from retained counsel to (two) appointed CJA counsel, the Court concludes as follows:

1- There does not appear to be a confidentiality need to consider defense counsel's January 23, 2007 submission as "ex parte and under seal" as requested. (A similar request was initially made with defense counsel's letter dated January 19, 2007). The Court will give counsel an additional opportunity to make the requisite showing if ex parte and under seal is still being pursued. See e.g. United States v. Hilsen, 2004 WL 2284388 (S.D.N.Y. 2004).

2- As it is the Defendant's burden to establish financial eligibility for appointed counsel, the affidavit, dated "0/23/2007" (sic), attached to defense counsel's letter dated January 23, 2007, submitted by Mr. Iqbal should be supplemented to include:

- (i) any current sources of income and support for living expenses for himself, his spouse and his dependents;
- (ii) prior employment and prior earnings per month;
- (iii) any savings accounts, checking accounts, money market accounts or other sources of funds;
- (iv) source(s) of funds for personal guaranties of rent, telephone, equipment leased by HDTV Corp. etc.;
- (v) source(s) of income for payment of monthly mortgage, credit card, gas, electric, car, and food payments/expenditures; and
- (vi) make and model of vehicle(s) for which there is any outstanding car loan(s).

Dated: New York, New York

January 25, 2007



RICHARD M. BERMAN, U.S.D.J.

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